

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 11-19 remain pending.

Claim Rejections - 35 U.S.C. § 112

Claim 3 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Additionally, claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In the present amendment, claims 1-10 have been cancelled and new claims 11-20 are presented. New claims 11-20 generally correspond with the original claims 1-10. However, claims 11-20 have been written specifically to cure the § 112 deficiencies noted by the examiner. Specifically, each of the terms noted by the examiner have been addressed in the presentation of the new claims, but the basic thrust of the prior corresponding claims has not been changed. Accordingly, it is believed that the rejections under § 112 are no longer warranted and should be withdrawn. Such action is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 10-29420 ("Izawa"). Applicant respectfully traverses this rejection.

The present claims recite that the front side of the evaporator is generally directed laterally transverse to the vehicle longitudinal axis. Additionally, the claims

recite that the front side of the heat exchanger is generally directed downward toward the evaporate. In Izawa as seen in Figures 3 and 4, the front side of the evaporator is directed downward and is not directed laterally transverse to the longitudinal axis of the vehicle (as recited in the present claims). Accordingly, Izawa fails to disclose the present invention, and it is respectfully submitted that the rejection based thereon should be accordingly withdrawn.

Claim 12-19 are dependent either directly or indirectly from claim 11. Accordingly, these claims are allowable at least for the same reasons given in support of claim 11. Such action is respectfully requested.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being obvious over Izawa and further as being unpatentable over Izawa in view of DE 19732523 ("Khelifa"). Applicant respectfully traverses this rejection.

Izawa is deficient for the reasons noted above in connection with the rejection under § 102. The combination with Khelifa fails to cure this deficiency. In Khelifa, like Izawa, the front side of the evaporator is directed generally downward and is not directed generally laterally to the longitudinal direction of the vehicle.

Claim 12-19 are dependent either directly or indirectly from claim 11. Accordingly, these claims are allowable at least for the same reasons given in support of claim 11. Such action is respectfully requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Attachment: None